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**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

CONSOLIDATED GOLDEN QUAIL)
RESOURCES, LTD., BEVERLY)
WIGGLESWORTH, and JAMES WAYNE)
COLE,)
Petitioners,) Case No. 2:11-CV-01853-PMP-RJJ
v.)
UNITED STATES OF AMERICA, UNITED)
STATES DEPARTMENT OF INTERIOR, and)
BUREAU OF LAND MANAGEMENT,)
Respondents.)

JOINT MOTION TO ESTABLISH BRIEFING SCHEDULE

Pursuant to Local Rule 16-1(c)(1), plaintiffs Consolidated Golden Quail Resources, Ltd., Beverly Wigglesworth, and James Wayne Cole, and defendants United States of America, United

1 States Department of the Interior, and the Bureau of Land Management, jointly move for entry of
2 the following order, that:

3 This action is filed pursuant to and is governed by the Administrative Procedure Act, 5
4 U.S.C. §§ 701-706, therefore:

5 1. Within fourteen (14) days defendants shall file with the Court in non-
6 electronic form one copy of the administrative record for the decision in
7 *Consolidated Golden Quail Resources, Ltd., et al.*, (IBLA 2010-47), 179 IBLA
8 309, 2010 WL 4226885 (I.B.L.A.)(July 19, 2010),

9 2. Within sixty (60) days of the filing of the administrative record,
10 plaintiffs shall file their principle brief, in the form of a motion for summary
11 judgment,

12 3. Within sixty (60) days of the filing of plaintiffs' brief, defendants shall
13 file a brief in opposition which will be deemed a cross-motion for summary
14 judgment, and

15 4. Plaintiffs may file a reply to defendants' opposition no later thirty (30)
16 days after service of defendants' opposition.

17 In support of the above motion, plaintiffs and defendants show:

18 1. Plaintiffs in this action seek judicial review of the decision in *Consolidated Golden*
19 *Quail Resources, Ltd., et al.*, (IBLA 2010-47), 179 IBLA 309, 2010 WL 4226885 (I.B.L.A.)(July
20 19, 2010), that three unpatented mining claims owned by the plaintiffs were forfeited by operation
21 of 30 U.S.C. § 28i for failure to pay by September 1, 2009, for assessment year 2010 the annual
22 maintenance fee (\$140) required by 30 U.S.C. § 28f for each of the three claims. Plaintiffs and
23 defendants agree that the scope of the Court's review of that decision is governed by 5 U.S.C. §§
24 701-706, that no discovery is required in this action, and that it may proceed on a review of the
25 administrative record for the decision in *Consolidated Golden Quail Resources, Ltd., et al.*, (IBLA

¹ [2010-47], 179 IBLA 309, 2010 WL 4226885 (I.B.L.A.) (July 19, 2010).

2 2. Defendants have provided plaintiffs with a copy of the administrative record for the
3 *Consolidated Golden Quail Resources, Ltd., et al.*, (IBLA 2010-47), 179 IBLA 309, 2010 WL
4 4226885 (I.B.L.A.)(July 19, 2010), decision. Plaintiffs agree that this record is adequate for
5 purposes of this action, and that they do request the addition of any additional documents to that
6 record.

Dated this 19th day of March 2012.

Respectfully submitted,

/s/ Michael H. Singer
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MICHAEL H. SINGER, LTD.

Attorney for Plaintiffs

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/s/ Dean K. Dunsmore
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Environment & Natural Resources Division
U.S. Department of Justice

Attorneys for Defendants

IT IS SO ORDERED:

Robert D. Johnson
UNITED STATES (CJ) KVTCVG JUDGE
DATED: March 29, 2012